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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,035	09/15/2003	Martin Richard Layley	678-1257 (P11364)	2569
7590	08/16/2006		EXAMINER	
Paul J. Farrell DILWORTH & BARRESE, LLP 333 Earle Ovington Blvd. Uniondale, NY 11553				TRAN, TUAN A
		ART UNIT		PAPER NUMBER
		2618		

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/663,035	LAYLEY ET AL.	
	Examiner Tuan A. Tran	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 May 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-6,8-22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-6,8-22 and 24-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-6, 8-22 and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Struble (6,745,253).

Regarding claim 1, Struble discloses a wireless communication device 104 comprising: a search means; a control means; and a detection means, wherein the search means searches for a peripheral device 102 when the detection means detects that the peripheral device 102 is likely to be utilized by the wireless communication device 104 and the detection means detects a predetermined condition indicating the likelihood of a request to utilize the peripheral device 102 by a user of the wireless communication device 104 before the user makes the request (See figs. 1, 2, 3A, 3B and col. 3 line 34 to col. 4 line 33), and the control means sets a flag according to the availability of the peripheral device 102 and thereafter awaits a user's selection of a command corresponding to the set flag (See figs. 1, 2, 3A, 3B and col. 4 line 34 to col. 5 line 8).

Claim 6 is rejected for the same reasons as set forth in claim 1, as method.

Claim 22 is rejected for the same reasons as set forth in claim 1, as apparatus.

Regarding claim 3, Struble discloses as cited in claim 1. Struble further discloses a user interface, wherein the user interface provides an option to utilize the peripheral device 102, only if a peripheral device 102 is found (See figs. 3A, 3B and col. 4 lines 43-54).

Claim 8 is rejected for the same reasons as set forth in claim 3, as method.

Claim 24 is rejected for the same reasons as set forth in claim 3, as apparatus.

Regarding claim 4, Struble discloses as cited in claim 3, Struble further discloses the peripheral device 102 is not utilized merely because the detection means detects the predetermined condition (See figs 3A, 3B and col. 4 lines 28-33).

Claim 9 is rejected for the same reasons as set forth in claim 4, as method.

Claim 25 is rejected for the same reasons as set forth in claim 4, as apparatus.

Regarding claim 5, Struble discloses as cited in claim 4. Struble further discloses a locating means; and a route determination means, wherein the locating means locates a local wireless network and subsequently locates a peripheral device 102, and the route determination means determines a route through the network from the wireless communication device 104 to the peripheral device 102 (See figs. 1, 3A, 3B and col. 4 line 12 to col. 5 line 8).

Claim 10 is rejected for the same reasons as set forth in claim 5, as method.

Claim 26 is rejected for the same reasons as set forth in claim 5, as apparatus.

Regarding claims 11 and 13, Struble discloses as cited in claim 5. Struble further discloses the wireless communication device 104 and the peripheral device 102 uses radio frequency communication wherein the radio frequency communication uses Bluetooth technology (See fig. 2 and col. 3 lines 5-15).

Claim 12 is rejected for the same reasons as set forth in claim 11, as method.

Regarding claim 14, Struble discloses as cited in claim 11. Struble further discloses the communication between the peripheral device 102 and the wireless communication device 104 is on a second network and a first network is used for the wireless communication device 104 to communicate with other wireless communication device (See col. 2 lines 45-52).

Claim 15 is rejected for the same reasons as set forth in claim 14, as method.

Regarding claim 16, Struble discloses as cited in claim 11. Struble further discloses the wireless communication device is a mobile phone (See col. 2 lines 45-52).

Claim 17 is rejected for the same reasons as set forth in claim 16, as method.

Regarding claim 18, Struble discloses as cited in claim 16. Struble further discloses the detection that a peripheral device 102 is likely to be utilized occurs when a data file is accessed on the wireless communication device 104 (See fig. 3A and col. 3 line 57 to col. 4 line 11).

Claim 19 is rejected for the same reasons as set forth in claim 18, as method.

Regarding claim 20, Struble discloses as cited in claim 5. Struble further discloses the peripheral device 102 is a printer (See fig. 1 and col. 4 lines 55-58).

Claim 21 is rejected for the same reasons as set forth in claim 20, as method.

Response to Arguments

Applicant's arguments filed 05/31/2006 have been fully considered but they are not persuasive.

The Applicant argued that Struble does not disclose flags and commands corresponding to a set flag as recited in claim 1 (See Remark, page 4). The Examiner respectfully disagrees with the Applicant's argument because Struble does disclose the controller for setting a flag according to the availability of the peripheral device (See fig. 3A, step 310) and awaiting a user's selection of a command corresponding to the set flag (See fig. 3B, step 318). For that reason, the rejections are proper and stand for all the pending claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tuan Tran



Matthew D. Anderson
SPE - 2618